IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

RPFC.No. 52 of 2003()

OP.207/2002 of FAMILY COURT, MANJERI
.....

REVISION PETITIOER/RESPONDENT

M.SANKARAN @ SANKARJI, SANKAR NIVAS,
DOWN HILL, MALAPPURAM.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: PETITIONER

P.T.VIJAYALAKSHMI,
D/O PACHEERITHODI PADMAVATHI AMMA,
LAKSHAM VEEDU, ERAM THODU, VALAMBUR POST,
PERINTHALMANNA, MALAPPURAM.

BY ADV. SMT.P.T.VIJAYALAKSHMI (PARTY)

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.9378/2003 IN R.P(F.C).NO.52/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

18/10/2007

ORDER ON CRL.M.P.NO.4711/2003 IN R.P(F.C).NO.52/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

18/10/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

R.P.(F.C).No.52 of 2003-A

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 18th day of October, 2007

O R D E R

The revision petitioner is the respondent in O.P.No.207/2002 filed by the petitioner wife seeking maintenance. The court below ordered future maintenance at the rate of Rs.600/- per month which is challenged herein.

2. It is submitted that the petitioner is aged 75 years and is ailing and is unable to pay the amount ordered to be paid. It is also pointed out that petitioner/wife is qualified in shorthand and typewriting and she was also driving an auto rickshaw. I find that the evidence adduced contained only the oral testimony of both sides. It is her case that he has retired from Government Service as Superintendent in the office of the Deputy Director of Education and is also getting a pension of Rs.8000/- per month, and that he is also conducting a marriage bureau and also engaged in preparing petitions etc and getting considerable income. It is also stated that he is arranging admission to T.T.C course and B.Ed course and that he is also getting sufficient income from it. She has claimed maintenance at the rate of Rs.1,000/-. I find that it is evident from the testimony of RW.1 the revision petitioner that he is not

looking after the petitioner and that he is not willing to take her back also. In the circumstances, I find that the revision petitioner is bound to pay maintenance to the petitioner/wife whom he has legally wedded. No objective evidence has been adduced to establish the fact that the wife has any means of income. In view of the fact that the petitioner is aged 75 years, the order of the court below is liable to be modified. The maintenance ordered to be paid is refixed as rupees four hundred per month from the date of the petition. The revision petitioner is granted three months time to pay the outstanding amounts due. The revision petition is disposed of accordingly.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

R.P.(F.C).No.52 of 2003-A

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

O R D E R

18th October, 2007